

VILLAGE OF BREWSTER

BOARD OF TRUSTEES

Draft Minutes

The Board of Trustees of the Village of Brewster is holding a Regular Meeting on May 16, 2007 at Village Hall, 208 Main Street, Brewster, New York. The meeting is called to order at 7:30 P.M. by Mayor Degnan.

Attendees:

Mayor: John Degnan

Deputy Mayor and Trustee: William Banks

Trustees; James Schoenig (arrived around 8:45 PM, Yoshihiko Ito, Terri Stockburger

Village Engineer: John Folchetti,

Village Counsel: Gary Kropkowski

Clerk & Temporary Treasurer: Peter Hansen

Absent:

Pledge to flag.

Mayor Degnan moved to open the meeting promptly at 7:30, Trustee Stockburger seconded. Motion carried 4-0.

- 1) Public Comment – Each speaker will be limited to one session no longer than two minutes.

Please write your name and tear off the bottom section for the Clerk before the meeting begins. Speakers will be called in the order they sign up. The two minute maximum will be strictly enforced.

- a) A. Heit questioned the accuracy of the water bills as well as the legality of charging for bill corrections, specifically the \$300 per unit charge where some accounts that should have been billed for multiple units were only billed for a single unit. The current bill corrects for that error. Ms. Heit also asked if the penalties would be waived during billing conflicts.

Mayor Degnan asked if Ms. Heit was satisfied that her billing issues were being addressed.

Village Attorney Gary Kropkowski cited opinions on retroactive billings rendered between 1952 and 1980 whereby no retroactive water rent increases were allowed.

Mr. Bergstrom said he had a billing error that required attention.

Mayor Degnan stated that the Village would work with anyone who had a billing question or dispute. Please make an appointment with Rick Stockburger or Peter Hansen.

- b) Patricia Allen stated that the EPA says the average consumption is 200 gallons per day (gpd). One unit consumes 200 gpd, and second unit consumes 300 gpd. The meter is accurate.

Trustee Stockburger stated her usage was 94 gpd.

Mayor Degnan said if the initial "5 gallon test" performed by the homeowner showed the meter to be inaccurate then the Village would conduct its own test and replace any bad meters.

Mr. Gress mentioned that his personal real world experience from running a multiunit water system indicates that average water usage is on the order of 120 gpd per person per day.

- c) Tyler Murielo asked if the due date for the bills could be extended.

Mayor Degnan said the board would address possible actions during the regular meeting under new business.

- d) Fred King reviewed his bill with Mr. Stockburger and said while the bill appeared accurate that the numbers were very large. Mr. King also stated that it was unfair to the homeowner to have a year elapse between billings as there was no way to address over usage because the owner did not know the impact until after the fact.

Mayor Degnan said the bill was spread equally among all billing periods and that was deemed the most fair way to apply the formulas.

- e) Silva Pueta said he had the same issues as others who spoke. Especially the lag time between billing penalizing the user because he did not know he had a problem.

The Mayor said if the meter was working properly and you are satisfied it was correct then you had the ability to know your usage by looking at the meter.

- f) Tom Sprague spoke about brown water and the necessity to run the taps until the water was clear. Being charged for that water usage was unfair. What can be done about this issue because it happens more often than just during hydrant flushing.
- g) Rick Stockburger offered his availability to meet with customers beginning at 9 AM tomorrow at Village Hall.
- h) The Mayor closed by saying that he had met with grant writers earlier in the day to impress upon them the urgency of finding sources of revenue to offset the cost of the water project to water customers. That process has been underway for quite some time and will continue to examine possible funding sources other than water rents.

End Public Comment

2) Brewster Police Department update and action

- a) Police car on order
- b) Chief Mancone submitted his monthly report of activity. Mayor Degnan asked specifically about the department's policy regarding public intoxication. Chief Mancone said that if the intoxicant's condition was a threat to his or someone else's safety that either an ambulance would be called to transport him or her to the hospital or he/she would be detained with potential arrest and incarceration for those acts. The Chief said public intoxication is no longer a crime in and of itself on New York State Statutes.
- c) Mayor Degnan motioned to accept the report, Trustee Stockburger seconds, vote 4-0 adopted.

3) Engineers Report

Note: Engineers report briefly postponed in order to award Eddie Schoenig a proclamation for outstanding citizenship.

- a) John Folchetti submitted the Engineer's report and asked that the Board consider awarding the House Connections contract to Cassidy Excavating based on the bid evaluation and recommendation.
- b) Deputy Mayor Banks motioned to award House Sewer Contract (#6) to Cassidy Excavating, the lowest responsible bidder at a price of \$4,171,062.25. Trustee Stockburger seconded, Vote 5-0
 - i) Stockburger: Aye, Degnan: Aye, Ito: Aye, Banks: Aye. Schoenig: Aye

4) Contract Award – Laterals

5) Proclamations

- a) James O'Neil – Proclamation for outstanding citizenship in the community. Mr. O'Neil was recognized for his contributions to the Brewster Police Department start-up and a lifetime of community involvement.
 - b) Eddie Schoenig – see above. Eddie Schoenig personally saved the Schoenig house from burning down by calling Emergency Services (911) following their instructions he was able to extinguish the fire and get outside to wait for the fire department. His quick thinking and presence of mind avoided a potential personal and community tragedy.
- ## 6) Justice Court project update – Various approaches and their impact are under consideration including moving Village Offices early, moving the Mayor and Clerk early so renovations may begin, creating a prisoner detention room in the Mayor's office, erecting safety barriers for the court clerks, and securing grants for court security upgrades.

7) Request for Waiver of Moratorium

- a) 21 Prospect St. - Karen Saunders – Canceled. Karen does not need a waiver. This is repair to an existing deck with no work outside of preexisting footprint. Referred to Building Inspector for permit process.
- b) 5 Garden St. - Julianne Puente – Ms. Puente asked that she be allowed to put a deck on the back of the house. Her plans showed that there would be no impact to impervious surface or sewer usage. Waiver granted 5-0 – referred to building inspector and planning board.
- c) Kobachers - Frank and Kim Morano asked that they be allowed to extend the front of the store area to existing parking stanchions (about 4 feet). This will not impact parking as all spaces will still be as exists today, there will be no new sewage impact, and no additional impervious surface as the parking lot is already in existence and the addition will sit on top of existing impervious surface. Waiver granted 5-0 – referred to building inspector and planning board.
- d) Special Permit for ShaNiRo Donut Shop - rte 22 & 6 (Stark Communication) – James Nixon, architect, provided to the Board of Trustees and Village Engineer a copy of published transportation guidelines describing the impact of traffic on the intersection during peak hours of business. Mr. Nixon said that the impact was less than allowable guidelines (36 vehicles per hour) and therefore should satisfy the board's need to understand traffic flow for this property. Mr. Nixon also submitted a more complete plan showing parking spaces and entrance exit design.
- e) Mayor Degnan questioned the applicability of a general traffic flow guideline to this particular property and intersection. Mayor Degnan asked Mr. Nixon to provide a professional traffic engineer's study for this exact location and usage so the board could be satisfied that the project would not negatively affect the free flow of traffic or compromise safety. This property is asking for a waiver to place a donut shop in the retail space where Stark Communication is currently. According to Mr. Nixon the peak time of Donut shops in the morning between 7 AM and 9 AM. Since traffic flow during those hours is very heavy going south and southbound patrons would need to make a left turn into the establishment and then a left turn to continue southbound without the benefit of a traffic signal, there is serious concern with this usage. Mr. Folchetti will continue to review Mr. Nixon's latest data and future submittals. This issue remains unresolved.

8) Budget revisions – 2006-2007 Budget line item revisions –

- a) Mayor Degnan motions to authorize the Clerk/Treasurer to make the necessary 2006-2007 budget revisions and report back to the board. Trustee Stockburger seconds, Vote 5-0 in favor.

9) Voucher Approval – \$289,028.84 –

- a) Mayor Degnan motions to approve the vouchers as submitted, Trustee Schoenig seconds, Vote 5-0 in favor.

10) Old Business – main street, cameras, ...- The Stockburgers' provided an update on the camera installation (successful and in operation), the status of trash receptacles, butt receptacles, hanging baskets and other Main Street improvements already in the 2006-2007 budget. Some items are already on order, some others are expected to be placed this week.

- a) Trustee Ito asked the Village Attorney to provide written guidelines to the Village Board regarding camera use.

11) New Business –

- a) Rich Ruchala spoke about an upcoming Empire Zone symposium at the Southeast Museum on May 24 beginning at 5:30 PM. He encouraged everyone to attend.
- b) The Clerk asked the Board of Trustees if they would consider appointing Rick Stockburger a consultant to the Village of Brewster for a fee of \$10 per year. In this manner liability for Rick's actions on the Village of Brewster's behalf will be extended to Mr. Stockburger. Mayor Degnan so moved, Trustee Banks seconded. Vote 5-0 in favor.
- c) Trustee Schoenig informed the Board that he had been approached about the viability of allowing pedal driven taxi's in the Village. The Village Attorney will check the code and report back to the Board of Trustees.

- d) It was mentioned that Father Rees Doughty asked if he could put the Sheppard's Hook sign back in place on Oak St. – No decision by the Board. This is a code issue. See the Code Enforcement Officer.
- e) Mayor Degnan motioned to waive late charges on water bills during evaluation and correction. If the Bill is correct it remains due as of the original due date and subject to penalty. If the bill is incorrect and a new bill is generated the new bill will be due and payable 30 days from the new bill's date. Deputy Mayor Banks seconded the motion. Passed 5-0.
- f) With regard to partial payments, Village Law Section 11-1118 and Brewster Code Section 167-1 allow for partial payments of water rents. The Village code states that a penalty on unpaid balances after the due date shall be 10%.

12) Public Comment

- a) Chief Mancone said he had plans to conduct truck inspections in Main Street in cooperation with New York State Department of Transportation.

13) Adjourn 9:40 PM – Mayor Degnan motioned to adjourn, Trustee Ito seconded, motion passed.
